

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JUDY KIRKBRIDE, *et al.*,

Plaintiffs,

vs.

Case No. 2:21-cv-22

Chief Judge Algenon L. Marbley

Magistrate Judge Elizabeth P. Deavers

THE KROGER CO.,

Defendant.

ORDER

Plaintiff has filed an unopposed Motion seeking to dismiss without prejudice, pursuant to Federal Rule of Civil Procedure 21, Plaintiff Melody Mackert's claims against The Kroger Co. (ECF No. 63.) The Motion is **GRANTED** and Plaintiff Melody Mackert's claims against The Kroger Co. are **DISMISSED** without prejudice. (ECF No. 63.)

Also before the Court is the parties' Agreed Joint Motion to Modify Case Management Schedule. (ECF No. 64.) For good cause shown, that Motion is **GRANTED**. The Preliminary Pretrial Order dated August 8, 2022, (ECF No. 47), is **MODIFIED** as follows:

DISCOVERY PROCEDURES

The parties have not included any scheduling dates after class certification. The parties agree to the following schedule for purposes of class certification:

End of Class discovery due by **JANUARY 25, 2024**. Plaintiffs to move for class certification and file any expert reports in support thereof by **FEBRUARY 26, 2024**. Defendant to depose Plaintiffs' experts by **APRIL 26, 2024**. Defendant to file opposition to class certification and file any expert reports in support thereof by **MAY 28, 2024**. Plaintiffs to depose Defendant's experts by **JUNE 27, 2024**. Plaintiffs to file reply in support of class certification and any rebuttal experts in support thereof by **JULY 26, 2024**.

The parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and shall file any motions relating to discovery

within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are **DIRECTED** to arrange a conference with the Court.

IT IS SO ORDERED.

DATED: September 11, 2023

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE